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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Margetts *et al.*

Confirmation No.: 1893

Application No.: 10/553,111  
(U.S. National Stage of PCT/GB04/01663,  
filed April 16, 2004)

Group Art Unit: To be assigned

Filed: October 12, 2005

Examiner: To be assigned

For: USE OF STEROID DERIVATIVES  
FOR THE TREATMENT OF  
ANGIOTENSIN II RELATED  
DISEASE E.G. CARDIOVASCULAR  
AND PROLIFERATIVE  
DISORDERS

Attorney Docket No.: 10103-030-999  
CAM: 052922-999030

**RESPONSE TO DECISION ON THE RESPONSE TO  
NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371**

**Mail Stop PCT (Office of PCT Legal Administration)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

In response to the Decision on the Response to Notification of Missing Requirements Under 35 U.S.C. 371 ("Decision") mailed by the United States Patent and Trademark Office on October 2, 2006 in connection with the above-identified application, Applicants submit herewith: (i) a Declaration and Power of Attorney executed by John Wilbraham Lester (legal representative of deceased inventor George Margetts); and (ii) a copy of the Decision.

Applicants respectfully submit that the enclosed Declaration and Power of Attorney executed by John Wilbraham Lester (legal representative of deceased inventor George Margetts) complies with the requirements of 37 C.F.R. § 1.497(b)(2). Applicants note that the Declaration and Power of Attorney states in the box titled "FULL NAME OF INVENTOR" that John Wilbraham Lester is the legal representative of deceased inventor George Margetts.

No fee is believed to be due in connection with this response. However, in the event that any fee is required, please charge the required fees to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed for accounting purposes.

Date November 6, 2006

Respectfully submitted,

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UNITED STATES PATENT and TRADEMARK OFFICE

10103-030-999  
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In re Application of  
George Margetts et al  
PCT No.: PCT/GB2004/001663  
Application No.: 10/553,111  
Int. Filing Date: 16 April 2004  
Priority Date: 16 April 2003  
Attorney's Docket No.: 10103-030-999  
For: USE OF STERIOD DERIVATIVES...  
PROLIFERATIVE DISORDERS

OCT - 5 2006

*Michael Bruner*

*Attorney*  
DECISION ON

*Resp. decision on Response to Notifical.*  
*of missing Ref. due 12/2/06.*  
PAPERS FILED

UNDER 37 CFR 1.42

This is a decision on the "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC §371" filed 13 June 2006, which has been treated as a request for status under 37 CFR 1.42.

**BACKGROUND**

On 12 October 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicants, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided at such time.

On 30 May 2006, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date" must be submitted within two (2) months from date of mailing of this notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application. In addition, a surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date will be required under 37 CFR 1.492(h).

In response to the Notification mailed on 30 May 2006, applicants filed on 13 June 2006 a declaration signed by John Wilbraham Lester as legal representatives of the co-joint inventor now deceased George Margetts.

### **DISCUSSION**

A review of the application file reveals that the declaration does not comply with 37 C.F.R. §1.497(b)(2).

Because the co-joint inventor George Margetts is deceased John Wilbraham Lester and has been appointed as the legal representatives for the deceased inventor, 37 C.F.R. §1.497(b)(2) indicates that "[i]f the person making the oath or the declaration or any supplemental or oath or declaration is not the inventor (§§1.42, 1.43, or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state (the inventor's citizenship and so on). If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative." (see MPEP § 409.01)

In this instance the information provided above the signature of the legal representative is that of the deceased co-joint inventor, but the declaration does not provide the necessary information for the legal representative. Thus, the citizenship, residence and mailing address of the legal representative need to be provided in the declaration as required under 37 C.F.R. §1.497(b)(2).

Consequently, applicants have not satisfied the requirements under 37 CFR 1.42.

### **CONCLUSION**

For the above reasons, the request for status under 37 CFR 1.42 is **not accepted**.

Applicant is required to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within TWO (2) MONTHS from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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